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HOUSING & URBAN DEVELOPMENT DEPARTMENT

SPECIAL ORDER

The 3rd December, 2025

No.29259-HUD-TP-POLICY-0005/2020– Whereas, the Odisha Apartment (Ownership and Management) Act 2023 (Act No.8 of 2023), hereinafter referred to as OAOM Act, came into force on 28th June 2023, replacing the earlier Odisha Apartment Ownership Act, 1982 and its 2015 amendment.

And whereas, the new Act was brought in to simplify and strengthen laws relating to apartment ownership and its management. One of the major objectives of the OAOM Act is to facilitate the allottees enjoy their lawful title over the apartments and proportionate interest over the Common Areas and Facilities. The OAOM Act also aligns with the Real Estate (Regulation and Development) Act, 2016 to ensure better protection for homebuyers. However, it has come to the notice of the Government that apartment owners are facing difficulties in registering the deeds of transfer of apartments due to various compliances and documentations.

And whereas, the Government has observed that numerous apartment owners who purchased their apartments prior to 05.10.2016 are encountering difficulties in registering their deed of transfer, particularly during resale, owing to the requirements mentioned under Section 8(2) of the OAOM Act.

And whereas, subsequent resale of apartments now requires compliance under Section 8 (2) read with Section 8(4) of the OAOM Act i.e. mandatory submission of Occupancy Certificate, Odisha RERA registration Certificate, Association of Allottees Registration Certificate, declaration, etc.

And whereas, the stringent requirement has resulted in undue hardship, especially for resale of apartments originally sold before enforcement of Real Estate (Regulation and Development) Act, 2016.

Now, therefore in exercise of the powers conferred by Section 35 of the Odisha Apartment (Ownership and Management) Act, 2023, the State Government do hereby issues the following order:-

1. The allottee or transferee for registration of sale deeds during resale or subsequent sale of such apartments whose deed of transfer of apartment has been executed before 5th October, 2016 is exempted from submitting the documents as required under Section 8 (2) of OAOM Act for the purpose of execution and registration of Sale Deeds. Notwithstanding anything contained under Section 8 (4) read with 8(2) of the OAOM Act, the owner is required to submit only the old Deed/s of transfer / Registered Sale Deed/s before registering authority at the time of registration.
2. The new sale deed for resale must mention the following,

   "the percentage of undivided interest in the Common Areas and Facilities shall be deemed to be conveyed or encumbered along with the apartment, to the Allottee or Transferee, even though such interest is not expressly mentioned in the earlier deed of transfer/ sale deed. "

   and

   "*the undivided proportionate title in the Common Areas and Facilities appertaining to the Apartment shall be deemed to be conveyed to the Association of Allottees, even though such undivided proportionate title is not expressly mentioned in the earlier deed of transfer/ sale deed."*
3. If any association of allottees or society was already formed under any other law before commencement of OAOM Act, it shall be deemed valid only upon adoption of bye-laws in accordance with Section 15 of the said Act.
4. The exemption granted by this notification shall not be construed as condoning any violation of building regulations. Any such violations shall remain subject to action under the applicable law.
5. The Notification issued by the Government in H&UD Department vide Gazette No.324 Dated the 1st February 2025 is hereby rescinded.

By order of the Governor
USHA PADHEE
Principal Secretary to Government

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